

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,	)	U.S.C.A. No. 11-50107
	)	U.S.D.C. No. 10CR1805-JAH
Plaintiff-Appellee,)	
)	
v.	)	UNOPPOSED MOTION FOR
	)	EXTENSION OF TIME TO FILE
DANIEL EDWARD CHOVAN,	)	<u>PETITION FOR REHEARING</u>
)	
Defendant-Appellant.)	
)	
)	
)	
_____)	

Mr. Chovan, the Defendant-Appellant in this case, by and through his counsel, Devin J. Burstein and Federal Defenders of San Diego, Inc., for the reasons set forth in the attached Declaration of Counsel, hereby moves to extend the due date of his Petition for Rehearing to **January 15, 2014**. The petition is currently due on December 2, 2013.

Respectfully submitted,

Dated: November 19, 2013

s/ Devin J. Burstein
DEVIN J. BURSTEIN
Federal Defenders of San Diego
225 Broadway, Suite 900
San Diego, California 92101-5008
Telephone: (619) 234-8467

Attorneys for Defendant-Appellant

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,	)	U.S.C.A. No. 11-50107
	)	U.S.D.C. No. 10CR1805-JAH
Plaintiff-Appellee,)	
	)	DECLARATION OF COUNSEL
v.	)	IN SUPPORT OF UNOPPOSED
	)	MOTION FOR EXTENSION OF
DANIEL EDWARD CHOVAN,	)	TIME TO FILE PETITION FOR
	)	<u>REHEARING</u>
)	
Defendant-Appellant.)	
_____)	

I, DEVIN J. BURSTEIN, ATTORNEY FOR APPELLANT, DO HEREBY
CERTIFY AND DECLARE:

1. I am an attorney duly licensed to practice law in the State of California, and admitted to the United States District Court for the Southern District of California, and the bar of this Court.

2. I am appointed counsel for Mr. Chovan. I have been the attorney of record for the duration of this appeal. I wrote the briefs and appeared for Mr. Chovan at oral argument.

3. Mr. Chovan is not in custody. He is serving his probationary sentence. I am in contact with Mr. Chovan.

4. On November 18, 2013, this Court decided Mr. Chovan's appeal, affirming his conviction.

5. The petition for rehearing is currently due December 2, 2013.

6. I am requesting this extension for the following reasons:

- I have reviewed the Opinion and believe it raises important constitutional issues of first impression that warrant rehearing en banc.
- I am in the midst of a jury trial in the Southern District of California (Case No. 13-cr-1778-AJB).
- I am also working on multiple appeals in various stages, including several opening briefs due to this Court.
- I am scheduled for oral argument before this Court on December 4, 2013, in Pasadena (Case No. 12-50503).
- In addition, as noted in my motion for substitution of counsel, I am in the process of leaving Federal Defenders for private practice.

7. For these reasons, I will not have adequate time to complete Mr. Chovan's petition for rehearing en banc by its current due date.

8. I have notified counsel for the United States, Assistant United States Attorney Kyle Hoffman, of my request for an extension of time. He does not oppose the extension.

9. For the reasons stated above, I request that the schedule be extended to allow the petition to be filed by January 15, 2014.

I so declare this 19th day of November, 2013, in San Diego, California.

s/ Devin J. Burstein
DEVIN J. BURSTEIN, Declarant

**Certificate of Service When Not All Case Participants Are CM/ECF
Participants**

I hereby certify that on November 19, 2013, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days, to the following non-CM/ECF participants:

s/ Devin Burstein